USDI, Bureau of Land Management
Three Rivers Resource Area, Burns District
Hines, Oregon 97738

Decision Record
Finding of No Significant Impact
for
HAMILTON ALLOTMENT MANAGEMENT PLAN
EA-OR-025-02-028

Decision

It is my decision to authorize the Hamilton Allotment Management Plan (AMP), as described in the attached Hamilton AMP, and issue the permittee a term permit from 03/01/02 – 02/28/12.

Monitoring

The Bureau will continue to collect and analyze rangeland data according to district priorities to determine if the objectives in the Hamilton Allotment, and Three Rivers Resource Management Plan (RMP) have been met or not.

Rationale

It was determined through the Hamilton Allotment Evaluation that the Hamilton AMP/Agreement is needed due to the permittee constructing a fence and therefore the fenced federal range (FFR) animal unit months (AUMs) have changed requiring the BLM to offer a term grazing permit to the permittee, Jerry Miller. Also, implementing the Hamilton AMP to maintain the wildlife habitat and range conditions in the Hamilton Allotment.

I have also considered alternatives to the proposed action including:

No Action: I did not select this action because the BLM would not be in compliance with the BLM regulations.

No Grazing: This alternative would not be implemented due to the alternative would not meet the multiple use objectives.

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and Form 1842-1. If an appeal is filed, your notice of appeal must be filed in the Burns District Office, HC 74-12533 Highway 20 West, Hines, OR 97738 by August 10, 2001. The appellant has the burden of showing that the decision appealed is in error.

If you wish to file a petition, pursuant to regulation 43 CFR 4.21, for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for stay must accompany your notice of appeal. A petition for stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a

stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

(1) The relative harm to the parties if the stay is granted or denied.
(2) The likelihood of the appellant=s success on the merits.
(3) The likelihood of immediate and irreparable harm if the stay is not granted.
(4) Whether the public interest favors granting the stay.

Finding of No Significant Impact

This proposal is in conformance with the objectives and land use plan allocations in the 1992 Three Rivers Resource Management Plan. The proposed action would continue to improve the rangelands in the Hamilton Allotment.

Based on the analysis of potential environmental impacts contained in Environmental Assessment EA-OR-025-02-028, I have determined that the proposed action will not have a significant effect on the human environment, and therefore, an environmental impact statement will not be prepared.

This proposal is in conformance with objectives and land use plan allocations in the 1992 Three Rivers Resource Management Plan. The proposed action would maintain the rangeland conditions within the Hamilton Allotment and comply with the BLM regulations for permitted active AUMs.

Based on the analysis of potential environmental impacts contained in the EA and all other information, I have determined that the proposal and alternatives analyzed do not constitute a major Federal action that would significantly impact the quality of the human environment. Therefore, an environmental impact statement is not necessary and will not be prepared. This determination is based on the following factors:

1. Beneficial, adverse, direct, indirect, and cumulative environmental impacts discussed in the EA have been disclosed. The physical, and biological effects are limited to the Hamilton Allotment.

2. Public health and safety would not be adversely impacted.

3. There would be no adverse impacts to wetlands, floodplains, areas with unique characteristics or ecologically critical areas.

4. There are no highly controversial effects on the environment.

5. There are no effects that are highly uncertain or involve unique or unknown risk. Sufficient information on risk is available based on information in the EA and other past actions of a similar nature.

6. This alternative does not set a precedent for other projects that may be implemented in the future to meet the goals and objectives of the Three Rivers Resource Management Plan (RMP, 1992).

7. No cumulative impacts related to other actions that would have a significant adverse impact were identified or are anticipated.

8. No adverse impacts to cultural resources were identified or anticipated.

9. No adverse impacts to any threatened or endangered species or their habitat that was determined to be critical under the Endangered Species Act was identified. If at a future time there could be the potential for adverse impacts, guidelines or stipulations would be modified or mitigated not to have an adverse effect or a new analysis would be conducted.

10. This alternative is in compliance with relevant Federal, State, and local laws, regulations and requirements for the protection of the environment.

Signature on File — 3/27/2002

Rudolph J. Hefter, — Date

Acting Three Rivers Resource Area Manager

ENVIRONMENTAL ASSESSMENT
HAMILTON ALLOTMENT MANAGEMENT PLAN
EA-OR-025-02-028

I. INTRODUCTION: PURPOSE OF AND NEED FOR ACTION

In 1992, the Venator Allotment was categorized as a Maintain ("M") allotment through the Three Rivers Resource Management Plan. A Maintain allotment is one where

The following documents established the multiple use objectives which guide management of the public lands on the Hamilton Allotment: The Standards for Rangeland Health and Guidelines for Livestock Grazing Management on Public Lands in Oregon and Washington approved on August 12, 1997, the Record of Decision for the Three Rivers Environmental Impact Statement and Resource Management Plan (RMP) issued in September 1992, and the Hamilton Allotment Management Plan (AMP) issued in 1983.

On October 23, 1995, the BLM completed the Hamilton Allotment evaluation. It was determined through the allotment evaluation that all of the objectives were being met. Also, through the allotment evaluation the BLM made recommendations to make corrections to the fenced federal range (FFR) AUMs. There are unadjudicated FFR AUMs within private pastures and the permittee creating another private pasture that incorporated FFR AUMs; the North Well FFR Pasture. Therefore, the Burns District BLM Office is proposing to implement a new Hamilton AMP (See Appendix A), and issue a term grazing permit from March 01, 2002 thru February 28, 2012 (See Appendix B).

A. Purpose

The purpose for the proposal is to implement a new Hamilton AMP and offer the permittee a grazing term permit to the permittee modify the permits active AUMs due to the permittee constructing a fence creating a custodial pasture that contains public lands AUMs.

B. Need

The need for the proposal is to ensure the grazing system attains the multiple use objectives and the standards for rangeland health, and issuing a term permit to the permittee to ensure compliance with the BLM regulations and policies.

C. Location

The Hamilton Allotment is located 47 miles southeast of Burns, Oregon. The legal description is T.26S., R.35E., Sections 27, 28, 29, 32, 33, and 34; T.27S., R.35E., Sections 3, 4, 5, 8, 9 and 10.

D. Conformance with Land Use Plans

The proposed action and alternatives described below are in conformance with the Three Rivers Management Plan, Issue Grazing Management (page 2-33), and are consistent with Federal, State and local laws, regulations and plans to the maximum extent possible.

II. PROPOSED ACTION AND ALTERNATIVE

A. Proposed Action

The proposed action is to implement a new Hamilton Allotment Management Plan (AMP)/Agreement, and offer a grazing term permit from March 01, 2002 thru February 28, 2012. (See Appendix A – Hamilton AMP, and Appendix B for the term permit)

B. No Action Alternative

Maintain the current Hamilton AMP. This alternative would maintain the status quo and maintain the current term grazing permit, which expires on February 28, 2006.

Alternatives considered but not analyzed

C. No Grazing Action Alternative

The no action alternative would eliminate livestock grazing on public lands within the Hamilton Allotment. This alternative was considered but not developed because it will not accomplish resource objectives for the allotment and is not in conformance with the 1992 RMP.

III. AFFECTED ENVIRONMENT

The following critical elements of the human environment are not present or are not affected by the proposed action or alternative in the EA:

Area of Critical and Environmental Concern
Adverse Energy Impacts
Air Quality
Areas of Critical Environmental Concern
Cultural Resources
Environmental Justice
Farm Lands (prime or unique)
Floodplains
Hazardous Materials
Migratory Birds
Native American Concerns and Traditional Cultural Properties
Noxious Weeds
Paleontology
Special Status Species (Flora)
Water Quality (surface/ground)
Wetlands and Riparian Zones
Wild and Scenic Rivers
Wilderness and WSA's

The following critical elements and resources are present in the project area and are subject to analysis:

CRITICAL ELEMENTS

1. Threatened, Endangered, Candidate and Sensitive Species

Greater sage grouse, a special status species and its habitat are known to occur in the allotment and surrounding area. However, a helicopter inventory in 1990 found no leks in the area.

NONCRITICAL ELEMENTS

1. Range Management/Livestock

The Hamilton Allotment has 280 AUMs of active permitted use, 157 AUMs of exchange of use for a total of 437 AUMs. The permittee, Jerry Miller, grazes cattle on the allotment. Currently the permittee grazes from May 01 to October 31.

2. Soils

The predominant soil in the uplands is very gravelly loam, well drained and moderately deep, with slight erosion potential. Much of the upland area has a claypan that results in a saturated surface after snowmelt, and these soils (associated with the Claypan 12"-16" range site) are subject to compaction and plant damage when grazed early. They also expand when wet and shrink when dry, causing damage to structures and fences. Another major soil within State Pasture is a silt loam, well drained, deep to very deep, with slight erosion potential except for along stream channels. This soil is corrosive to uncoated steel and is not as subject to compaction as the former soil.

3. Vegetation

There are 4 major range sites throughout the Hamilton Allotment. A range site is defined as "a distinctive kind of rangeland, which in the absence of abnormal disturbance and physical site deterioration, has the potential to support a native plant community typified by an association of species different from that of other sites. Condition of the range site, is the relationship of the present plant community on a given unit of rangeland to the plant community (which is normally the climax community) that would best satisfy range management objectives determined in the land-use planning process. The following ratings were used to determine condition:

Range Condition	Percent of Climax
Excellent	75 – 100
Good	50 – 75
Fair	26 – 50
Poor	0 – 25

The major range sites with their associated climax plant species and current condition of the

pastures are as follows:

Range Site	Climax Plant Species	Pasture's Current Condition
Claypan 12"-16"	low sagebrush, Idaho fescue, bluebunch wheatgrass, and Sandberg bluegrass.	State – Fair West – Good South – Good
Droughty Loam 11"-13"	basin big sagebrush, Idaho fescue, and bluebunch wheatgrass.	State – Fair West – Good South - Good
Swale 10"-14"	basin big sagebrush, basin wildrye, and bluebunch wheatgrass.	State - Good
Loamy 10"-12"	Wyoming big sagebrush, Thurber needlegrass, and bluebunch wheatgrass.	West - Good

4. Wildlife

Mule deer winter range and pronghorn antelope year long range occurs within the allotment. Many small mammals, songbirds, reptile and amphibian species occur in the allotment

IV. ENVIRONMENTAL CONSEQUENCES

The environmental impacts to the resources would be the same for the proposed action as would be the alternative action.

A. Proposed Action

CRITICAL ELEMENTS

1. Threatened, Endangered, Candidate and Sensitive Species

The proposed Hamilton AMP allows for livestock grazing on half the allotment during the growing season of forbs. Forbs are crucial for sage grouse brood rearing through July 1. The other half the allotment allows for livestock grazing deferment, after the growing season, which should not impact sage grouse as long as the Hamilton AMP is followed.

NONCRITICAL ELEMENTS

1. Range Management/Livestock

There would be no increase in active permitted AUMs. The permittee would be Jerry Miller. The grazing dates would be from May 01, thru October 31.

2. Soils

The proposed grazing season occurs after majority of the normal spring precipitation therefore; compaction of the soil would be none to very little.

3. Vegetation

The proposed grazing system is expected to have an upward trend with increases expected in species such as Idaho fescue, bluebunch wheatgrass, Thurber needlegrass, basin wildrye, and perennial forbs (see range site descriptions for specific sites, available at the Burns District BLM Office). But if monitoring indicates the proposed grazing system is causing a downward trend then increases would be seen in species such as Sandberg bluegrass, cheatgrass, annual forbs, sagebrush, and bottlebrush squirreltail. If a downward trend is determined and the causal factor is livestock then changes may include, but are not limited to the following: utilization objectives, stubble height standards, modified grazing system(s) and/or change in season of use.

4. Wildlife

Livestock affect wildlife habitat directly by removal and/or trampling of vegetation that could otherwise be used for food and cover. Moderate grazing (50% use) in broken terrain generally results in heavy use of lowland areas close to water and light use of upland areas removed from water sources. Under light to moderate grazing intensities cattle grazing prior to July 15, mainly utilizes grasses while antelope utilize forbs and shrubs. Most of the deer use in the Hamilton Allotment occurs in the winter when livestock are not in the allotment. Each year, one half of the allotment is deferred which may receive heavier cattle utilization on the browse species. Browse utilization by livestock may intensify later into the season as the protein in the herbaceous species drops. Winter deer and antelope use will likely be heavier in the earlier use pasture. There would be no measurable impacts to wildlife. The proposed Hamilton AMP allows for livestock grazing while still promoting wildlife habitat diversity.

B. No Action Alternative

The environmental impacts to the above resources would be the same as the proposed action alternative, with the exception the permittee's term permit would end on February 28, 2006.

V. CUMULATIVE IMPACTS

All resource values have been evaluated for cumulative impacts. No cumulative impacts were identified as a result of the proposed actions or alternatives.

VI. LIST OF PREPARERS and CONSULTATION AND COORDINATION

A. Preparers

Eric Haakenson, Lead Preparer, Rangeland Management Specialist
Fred Taylor, Wildlife Biologist
Nora Taylor, Lead Rangeland Management Specialist, District Botanist
Scott Thomas, Archaeologist
Fred McDonald, Recreational Specialist
Lesley Richman, Weed Coordinator
Skip Renchler, Reality Specialist
Gary Foulkes, District Planning and Environmental Coordination

B. Consultation and Coordination
Jerry Miller - Permittee
Oregon Department of Fish & Wildlife

VII. APPENDICES

Appendix 1: Hamilton AMP
Appendix 2: Jerry Miller 10-year Permit